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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,645	01/22/2002	Bernard A. Traversat	5181-82104	9627
7590	04/04/2005		EXAMINER	
Robert C. Kowert CONLEY, ROSE & TAYON, P.C. P.O. BOX 398 Austin, TX 78767-0398			LIEN, TAN	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/055,645	TRAVERSAT ET AL.
	Examiner Tan Lien	Art Unit 2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 January 2002.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-40 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-40 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 04 November 2002 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____ .
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(e).

The certified copy has been filed in provisional Application No. 60/263573, filed on 1/22/2001.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-14, 16-18, are 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teodosiu et al (US PGPub 2002/0062375) and Badovinatz et al (US Patent 5,896,503).

Claim 1, 18: Teodosiu teaches a peer computing system comprising:

a plurality of peer nodes (paragraph [0070]); and
wherein at least a subset of the peer nodes are configured to participate in a peer discovery protocol to discover other peer nodes (paragraph [0053]).

Teodosiu, however, fails to teach at least a subset of the peer nodes are configured to participate in a peer membership protocol for joining or forming a peer group with other peer nodes.

Badovinatz, in an analogous art, teaches managing membership of a domain of processors and allowing new nodes to join a domain, reporting node status and recovering nodes (col. 1 lines 40-67). It would be obvious to one of ordinary skill in the art at the time of the invention to combine Teodosiu's peer computing system with Badovinatz's management of membership of a domain of processors, for the advantage of maintaining high service availability by recovering the main source of service as quickly as possible (col. 1 lines 25-37 Bodovinatz).

Claim 12: Teodosiu teaches a peer computing system comprising:

a plurality of peer nodes (paragraph [0070]);
means for at least a subset of the peer nodes to discover resources in the peer computing system, wherein the resources include peer nodes and peer groups, and wherein the resources further include one or more of pipes, endpoints, services and content (paragraph [0053] & [0077]);
wherein said peer group is a collection of cooperating peer nodes that provide a common set of services in the peer computing system (paragraph [0030] &

[0016]; wherein the set of peers in a realm is providing tracking and locating services and paragraph [0016] teaches accessing the same resource)).

Teodosiu, however, fails to teach means for at least a subset of the peer nodes to join or form a peer group with other peer nodes.

Badovinatz, in an analogous art, teaches managing membership of a domain of processors and allowing new nodes to join a domain, reporting node status and recovering nodes (col. 1 lines 40-67). It would be obvious to one of ordinary skill in the art at the time of the invention to combine Teodosiu's peer computing system with Badovinatz's management of membership of a domain of processors, for the advantage of maintaining high service availability by recovering the main source of service as quickly as possible (col. 1 lines 25-37 Badovinatz).

Claim 2: Teodosiu teaches the peer computing system as claimed, wherein the member peer nodes in said peer group are configured to find and exchange content in said peer group (paragraph [0045]).

Claim 3. Teodosiu teaches the peer computing system as claimed, wherein said peer group is a collection of cooperating peer nodes that provide a common set of services in the peer computing system (paragraph [0016]; by definition a

peer group is a group of peers communicating with each other and paragraph [0016] teaches accessing the same resource).

Claim 4: Teodosiu teaches the peer computing system as claimed, wherein the common set of services include one or more core services (FIG. 3; wherein the core services are services in the P2P platform).

Claim 5: Teodosiu and Badovinatz teach the peer computing system as claimed, wherein the core services include:

a discovery service configured for use by member peer nodes in said peer group to discover advertised resources in the peer computing system, wherein the resources include peers and peer groups, and wherein the discovery service uses the discovery protocol (paragraph [0053] Teodosiu; wherein the peer node has to advertise its presence and resources for the other peers to discover resources); and

a membership service configured for use by member peer nodes in said peer group to reject or accept group membership applications, wherein the membership service uses the membership protocol (col. 1 lines 40-67 Badovinatz).

Claim 6, 14, 21: Teodosiu teaches the peer computing system as claimed, wherein

one or more peer nodes in said peer group are configured to participate in a peer resolver protocol configured for use in sending search queries from one peer group member to another peer group member (paragraph [0094]; wherein the gate server can resolve addresses and instruct senders how to query resource locator).

Claim 8, 16, 23: Teodosiu teaches the peer computing system as claimed, wherein one or more peer nodes in said peer group are configured to participate in an endpoint routing protocol for enabling the peer nodes to request peer routing information to reach other peer nodes (FIG. 2 and paragraph [0044]; wherein the passage teaches locating resources, therefore peers has to know peer routing information to locate resources).

Claim 9, 17, 24: Teodosiu teaches the peer computing system as claimed, wherein at least a subset of the peer nodes are configured to participate in a peer information protocol for enabling the peer nodes to learn about other peer nodes' capabilities and status (paragraph [0035]).

Claim 10, 25, 26: Teodosiu teaches the peer computing system as claimed, wherein each of the plurality of peer nodes is further configured to use an advertisement format for describing and publishing advertisements for resources in a peer-to-peer environment (FIG. 3 ref. 380 and paragraph [0073] & [0074]; wherein the

passage teaches publishes resources and the resources have to be advertised in order for the other peers or group of peers to learn about the available resources).

Claim 11: Teodosiu teaches the peer computing system as claimed, wherein the resources include one or more of the peer nodes, peer groups, content, services, applications, pipes, and pipe endpoints (paragraph [0077]), wherein the pipes are communications channels between one or more of the peer nodes, the services, and the applications in the peer-to-peer environment, and wherein the pipe endpoints are network interfaces on the peer nodes that are configured to be bound to the pipes to establish the communications channels (FIG. 3).

Claim 13: Teodosiu and Badovinatz teach the peer computing system as claimed, further comprising

means for member peer nodes in said peer group to reject or accept peer group membership applications (col. 3 lines 50-58).

Claim 27: Teodosiu teaches the article of manufacture as claimed, wherein the peer discovery protocol is further configured for discovering one or more of pipes, endpoints, services and content in the peer-to-peer network (paragraph [0053]).

Claim 28: Teodosiu teaches the article of manufacture as claimed, wherein the peer-to-peer platform further comprises one or more of:

a pipe advertisement format configured for use in advertising pipes in the peer-to-peer network, wherein said discovering pipes returns one or more pipe advertisements formatted in accordance with the pipe advertisement format;

an endpoint advertisement format configured for use in advertising endpoints in the peer-to-peer network, wherein said discovering endpoints returns one or more endpoint advertisements formatted in accordance with the endpoint advertisement format (paragraph [0035]; wherein the IP address and port number is an endpoint connection);

a service advertisement format configured for use in advertising services provided by the peers in the peer-to-peer network, wherein said discovering services returns one or more service advertisements formatted in accordance with the service advertisement format (paragraph [0030]); and

a content advertisement format configured for use in advertising the content in the peer-to-peer network, wherein said discovering content returns one or more content advertisements formatted in accordance with the content advertisement format (paragraph [0077]).

Claims 7, 15, 19, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teodosiu et al (US PGPub 2002/0062375) and Badovinatz et al (US Patent 5,896,503) and Northrup (US Patent 6,671,746).

Claim 7, 15, 22: Teodosiu teaches the peer computing system as claimed, but fails to teach

one or more peer nodes in said peer group are configured to participate in a pipe binding protocol configured for use in finding the physical location of a pipe endpoint and binding to the pipe endpoint.

Northrup, in an analogous art, teaches a BINDER Service to bind the identifiable name of the Minor Services to the Application Program (col. 9 lines col. 38 lines 28-48). It would be obvious to one of ordinary skill in the art at the time of the invention to combine Teodosiu's peer computing system with Northrup's binder service, for the advantage of easing Minor Services of interest to the Application Program without the altering the Application Program (col. 9 lines 48-60 Northrup).

Claim 19: Teodosiu teaches the article of manufacture as recited in claim 18, wherein the peer-to-peer platform further comprises:

a peer resolver protocol configured for use in sending search queries from one peer group member to another peer group member (paragraph [0094]; wherein

the gate server can resolve addresses and instruct senders how to query resource locator); a peer information protocol for enabling the peers to learn about other peers' capabilities and status (FIG. 2 and paragraph [0044]; wherein the passage teaches locating resources, therefore peers has to know peer routing information to locate resources); and an endpoint routing protocol for enabling the peers to request peer routing information to reach other peers (FIG. 2 and paragraph [0044]; wherein the passage teaches locating resources, therefore peers has to know peer routing information to locate resources). Teodosiu, however, fails to teach a pipe binding protocol configured for use in finding the physical location of a pipe endpoint and binding the pipe endpoint to a peer.

Northrup, in an analogous art, teaches a BINDER Service to bind the identifiable name of the Minor Services to the Application Program (col. 9 lines col. 38 lines 28-48). It would be obvious to one of ordinary skill in the art at the time of the invention to combine Teodosiu's peer computing system with Northrup's binder service, for the advantage of easing Minor Services of interest to the Application Program without the altering the Application Program (col. 9 lines 48-60 Northrup).

Claim 20: Teodosiu teaches the article of manufacture as recited in claim 19, wherein each of the protocols defines one or more message formats configured for use in exchanging messages between the peers in accordance with the particular protocol (paragraph [0045]).

Claims 29-40: These method claims do not teach any features above and beyond the system claims in claims 1-28. Claims 29-40 are rejected based on the same rationale as claims 1-28.

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tan Lien whose telephone number is (571) 272-3883. The examiner can normally be reached on Monday-Thursday from 8:30am to 6pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for this Group is (703) 305-3718.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [tan.lien@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a

possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tan Lien
Examiner
Art Unit 2141



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER